IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 9009 of 2006(V)

PETITIONER:

KUNJI BEEVATHU, W/O.ABDUL KADER,
REPRESENTED BY THE POWER OF ATTORNEY HOLDER,
RADHAKRISHNAN, S/O.AMBATTU VASU, POYYA VILLAGE,
POOPATHY DESOM, KODUNGALLUR TALUK.

BY ADV. SRI.T.N.MANOJ

RESPONDENTS:
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1. THE THRISSUR DISTRICT CO-OPERATIVE BANK, REPRESENTED BY THE SECRETARY.

2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE REGISTRAR OF CO-OPERATIVE SOCIETIES, ARBITRATOR-CUM-SPECIAL SALE OFFICER, THRISSUR CO-OPERATIVE BANK LTD., KURUPPAM ROAD, THRISSUR.

BY ADV. SRI.V.G.ARUN
BY GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits

Ext.P1: True copy of sale proclamation dated 25-02-2006

Ext.P2: True copy of objection to the sale proclamation filed by the petitioner

// True copy//

S.SIRI JAGAN .J

W.P (C) No 9009 OF 2006

Dated this the 6th day of March 2007

JUDGMENT

Petitioner is a defaulter in payment of amounts due as per an award obtained by the first respondent bank against the petitioner, pursuant to which the second respondent Sales Officer issued notice of sale of the mortgaged property . The petitioner is challenging the sale proceedings on the ground that the declaration does not contain the details of the house situated in the property proclaimed for sale. Admittedly in spite of the same subject matter the petitioner had earlier filed W.P.(C) 22845/2005 in which this court directed the petitioner to pay the amounts due at the rate of Rs. 1,00,000/- per month payable on or before the last working day of every month commencing from August 2005. In the above circumstances if any orders are to passed in this writ petition the same would effectively amount to reviewing the judgment in W.P.(C) 22845/2005 which I cannot validly do. Therefore if the petitioner wants a modification of the arrangement made in that judgment, it is for him to approach the same judge who passed that judgment seeking review of that judgment . In the above circumstances this writ petition is dismissed.

S.SIRI JAGAN .JUDGE

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